

TO REC'D PCINPTQ

29 SEP 2003

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number		10/069,431
	Filing Date		February 19, 2002
	First Named Inventor		David M. Hockenberry et al.
	Art Unit		Unassigned
	Examiner Name		Unassigned
Total Number of Pages in This Submission	4	Attorney Docket Number	14538A-004610US

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Notification of Defective Response <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard, diskette, paper copy of Sequence Listing, and copy of notification of defective response
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP Brian W. Poor	
Signature		
Date	23 September 2003	

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

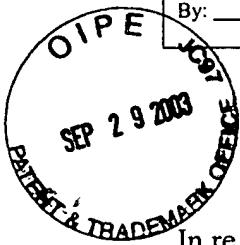
Typed or printed name	Angelie Rivera		
Signature		Date	September 23, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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By: Angie K



Attorney Docket No. 14538A-004610US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DAVID M. HOCKENBERRY et al.

Application No.: 10/069,431

Filed: February 19, 2002

For: COMPOSITIONS AND METHODS  
FOR MODULATING APOPTOSIS IN  
CELLS OVER-EXPRESSING Bcl-2  
FAMILY MEMBER PROTEINS

Examiner: Unassigned

Art Unit: Unassigned

**RESPONSE TO NOTIFICATION OF  
DEFECTIVE RESPONSE**

Commissioner for Patents  
P.O. Box 1450, Mail Stop Sequence  
Arlington, VA 22313-1450

Dear Sir:

In response to the "Notification of Defective Response" dated September 16, 2003, please substitute the enclosed Sequence Listing for the Sequence Listing previously submitted. Also enclosed is a corrected computer disk reflecting these changes. Pursuant to 37 CFR §1.821(f) and (g), it is believed that the content of the corrected paper sequence listing and the corrected computer readable sequence listing are the same. Further, the present submission of the substitute pages and computer disk are not believed to constitute new matter.

Please charge (or credit) any fees associated with this response to the firm's Deposit Account No. 20-1430.

Respectfully submitted,

Dated: 23 September 2003

By: Brian W. Poor  
Brian W. Poor  
Reg. No. 32,928

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60045133 v1



SEP 29 2003

## UNITED STATES PATENT AND TRADEMARK OFFICE

14538A-004610US BW<sup>P</sup>

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/069,431	David M. Hockenberry	14538A-004610US
INTERNATIONAL APPLICATION NO.		
PCT/US00/22891		
I.A. FILING DATE	PRIORITY DATE	
		08/18/2000

Brian W Poor  
 Townsend and Townsend and Crew  
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 8th Floor  
 San Francisco, CA 94111

CONFIRMATION NO. 3708  
 371 FORMALITIES LETTER



\*OC000000010874893\*

Date Mailed: 09/16/2003

# Response Due 10/16/03 S3P

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Copy of the International Application filed on 02/19/2002
- Copy of the International Search Report filed on 02/19/2002
- Copy of IPE Report filed on 02/19/2002
- Biochemical Sequence Diskette filed on 07/26/2002
- Oath or Declaration filed on 07/26/2002
- Biochemical Sequence Listing filed on 07/26/2002
- Small Entity Statement filed on 02/19/2002
- Request for Immediate Examination filed on 02/19/2002
- Copy of references cited in ISR filed on 02/19/2002
- U.S. Basic National Fees filed on 02/19/2002

Applicant's response filed 07/26/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/01/2002 have not been completed.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - RAW SEQUENCE LISTING ERROR REPORT

- **APPLICANT MUST PROVIDE:**
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/069,431	PCT/US00/22891	14538A-004610US

FORM PCT/DO/EO/916 (371 Formalities Notice)